

Special Education Advisory Panel
December 4-5, 2003
Governor Office Building, Room 470

December 4, 2003

Members Present:

Joe Sartorius	Melodie Friedebach	Eric Remelius
Patti Simcosky	Kent Kolaga	Sandra Levels
Dennis Von Allmen	Deana O'Brien	Ray Wicks
Scott Mantooth	Dee Ragsdale	Trish Grassa
Dennis Gragg	Pam Walls	Barbara Scheidegger
Dan Colgan	Pat Jackson	
Richard Staley	Shirley Woods	

DESE Staff Present:

Pam Williams
Debby Parsons

Members Not Present:

Nan Davis	Lynda Roberts	Tammy Arthaud
Mike Hanrahan	Mary Kay Savage	Eileen Huth
Tracy Mertz	Stephen Viola	
Cathy Meyer	Joan Zavitsky	

Call to Order/Introductions – Joe Sartorius called the meeting to order at 1:00 p.m.

Approval of the Minutes –

- June minutes – Kent Kolaga received clarification from Dennis Von Allmen for the June minutes regarding Dennis' motion. Kent sent the clarification to Lina Browner for correction. Kent Kolaga made a motion to approve the June minutes with this clarification added. Dan Colgan seconded the motion. Minutes approved.
- September minutes – Kent Kolaga asked who had made the motion to table the June minutes. Pam Walls indicated that she had. The September minutes will be changed to reflect this. Kent Kolaga made a motion to approve the September minutes with this change. Patti Simcosky seconded the motion. Minutes approved.

Public Comment Section – Deborah Stromsdorfer indicated that she was attending the Panel meeting because she had some major concerns and wanted to also see how the Panel functioned. She had concerns regarding DESE's recent proposed changes to Early Childhood Special Education (ECSE) in the State Plan and believed that more background information should have been made available to her and other parents. She felt that since the Panel is advisory with members from multiple backgrounds, this group would have an overview of why these changes were being suggested.

Formal Recommendation Review/Update – Joe Sartorius briefly went through the status of each of the seven formal recommendations received to date. Recommendation #1, 2, 4, and 5 are considered "done."

Formal Recommendation #3 – On November 25, 2003, the Missouri Supreme Court upheld the lower court decision. Therefore, removal of the maximization language in Missouri statutes has been upheld. Missouri law currently reflects the federal standard of a "free appropriate public education" for special education services. Kent Kolaga made a motion that DESE provide the Panel with the definition of "appropriate." Deana O'Brien seconded the motion. Motion passed.

Formal Recommendation #6 (on-going) – Kent Kolaga felt that DESE needed to clarify their response. Melodie indicated that the legislature needs to ensure that the money is appropriated to follow those children no matter

where they are receiving services. Last year the state operated programs were cut by \$1 million resulting in fewer bus routes, larger class sizes, etc.

Kent felt that given the present threat to funding for a variety of programs supported through appropriations by the Missouri General Assembly, the Panel should be concerned that state operated programs may be closed or have their funding significantly reduced to meet budget short-falls. In such cases, the Panel should recommend that the level of services to the students attending these state operated programs be maintained at the same level when the responsibility for providing services falls to the local school districts.

Ray Wicks suggested that the word “funding” be changed to the word “services” in a couple of references made in the SEAP Update/Action Section for Formal Recommendation #6. Kent Kolaga made a motion to approve the change in wording of the original recommendation. Richard Staley seconded the motion. Motion passed.

Formal Recommendation #7 (ongoing) – DESE responded in favor of this recommendation. Eric Remelius suggested that the Panel send a letter to Missouri’s U.S. Senators and Representatives indicating there is an unmet need in the state of Missouri and ask them to follow through with the funding that was promised in 1975. Kent Kolaga reminded Panel members that the Panel is not allowed to lobby. Kent Kolaga made a motion to have Dan Colgan draft the language of this letter. Deana O’Brien seconded the motion. Melodie Friedebach suggested that in the letter the Panel thank Congress for what they have done (increases the past few years). Motion passed.

CIMP/OSEP Update – Kent Kolaga and Joe Sartorius participated in a conference call with the Office of Special Education Programs (OSEP). OSEP will be conducting an on-site, data verification (Part B and C) visit with the Division of Special Education the week of December 8.

OSEP will be gathering information about monitored, data collection, etc. Melodie indicated that she will ask OSEP about what their expectations are. The recommendations DESE receives from OSEP will be brought to the Panel for their review and suggestions.

Kent Kolaga indicated that compliance, assessment, and data issues were discussed during the conference call. OSEP would like to be able to compare states when looking at outcomes. Currently, it is difficult to compare states because states use different standards for collecting data. Debby Parsons commented DESE has not heard from OSEP regarding the Division’s Improvement Plan. Once the information is received, it will be shared with the Panel.

Joe Sartorius expressed concerns that he felt Missouri’s assessment standards were set too high (they are currently higher than the federal level). It was suggested that Mary Corey, Director of the Data Coordination Section, could present data information at the next meeting.

Due Process Disclosure (handouts) – DESE is required to disclose the due process decisions to the Panel on an annual basis. Pam Williams discussed with the Panel information regarding the due process decisions for the 2002-03 school year. Decisions may be viewed at the following website
http://dese.mo.gov/divspeced/Complaint_System/02-03_DPDecision.html

Pam Walls asked if information was available to know how many decisions were in favor of the parent or the district. She suggested including a specific statement at the end of each hearing decision that would indicate more clearly the decision and whom it was rendered for. Pam Williams indicated that the Division is unable to draw a lot of conclusions from the due process decisions because of the right to appeal (there are many levels of appeal). Instead, more information is obtained from reviewing child complaints. Debby Parsons indicated that it can be difficult to summarize due process hearings but a contract modification could be made asking that some sort of summary be given but how and in what format would that be done. This had been discussed in the past but since there were so few, the process was not changed.

Deana O’Brien suggested that DESE ask both parties at the time a due process is withdrawn, the reason for withdrawal. Kent Kolaga suggested that the monitoring committee review this and could make a formal recommendation to DESE if needed.

Pam Williams indicated there are currently 122 hearing officers. A copy of the listing may be obtained by contacting Wanda Allen at 573-751-0602 or wanda.allen@dese.mo.gov.

Miscellaneous

Child complaint information – Pam Williams indicated that the Compliance Section created a child complaint database in July 2001. She shared with the Panel statistics on the numbers of complaints received, withdrawn, major categories (18 categories) for the allegations, etc.

Child Complaint Trend Data	7/1/01- 6/30/02	7/1/02- 6/30/03	7/1/03- 11/30/03	7/1/01- 11/30/03
Total complaints filed	125	166	74	365
Total number of complaints withdrawn	12	16	2	30
Total number of decisions issued	113	150	45	308
Total number of decisions issued within 60 day timelines	106	147	40	293
Percent of decisions issued within 60 day timelines	94%	98%	89%	95%
Total number of extensions	7	4	7	18

Pam Williams indicated child complaints are received in writing and are assigned to an investigator. The district is contacted and specific information is requested. In some cases interviews are conducted. Pam also indicated that if there are specific instances where a parent feels they have not been treated fairly, they should contact Pam Williams directly. There was further discussion about the child complaint investigation process and whether complete information is being obtained before decisions are being made. There is no formal appeal process.

A couple Panel members indicated there are some concerns among parents about the information written into the child complaint decisions and whether DESE is contacting the supporting witnesses after they indicate they will. It was suggested that Panel members contact DESE and give specific names of cases so that DESE can review and respond.

Committee Assignments – The Panel discussed appointments to each of the committees.

Rules and Regulations (Deana O'Brien will chair)

Monitoring (add Mike Hanrahan)

Evaluation (add Dee Ragsdale)

Programs (add Sandy Levels)

Public Comment (new committee) - Dennis Von Allmen will chair. Members include Shirley Woods, Eric Remelius, Trish Grassa, and Pam Walls.

Dan Colgan shared with the Panel the letter he drafted to OSEP. This letter would be sent from the Panel with Joe Sartorius signing the letter.

Pam Walls made a motion to adjourn the meeting. Pat Jackson seconded the motion. Meeting was adjourned to committee meetings.

December 5, 2003

Members Present:

Joe Sartorius

Shirley Woods

Scott Mantooth

Dennis Gragg

Pat Jackson

Trish Grassa

Tammy Arthaud

Melodie Friedebach

Kent Kolaga

Barbara Scheidegger

Dee Ragsdale

Eileen Huth

Pam Walls

Dan Colgan

Sandy Levels

DESE Staff Present:

Debby Parsons

Dale Carlson

Members Not Present:

Nan Davis

Mike Hanrahan

Tracy Mertz

Cathy Meyer

Lynda Roberts

Mary Kay Savage

Stephen Viola

Joan Zavitsky

Deana O'Brien

Patti Simcosky

Richard Staley

Eric Remelius

Ray Wicks

Dennis Von Allmen

Call to Order - Joe Sartorius called the meeting to order at 8:40 a.m.

Committee Reports

Rules and Regulations – Pat Jackson indicated that their committee reviewed the state plan changes and suggested some minor changes to DESE to make it a bit clearer. Debby Parsons indicated that DESE has moved forward on all changes except for the ECSE changes.

Melodie indicated that the money recently released by the Governor would be going into the foundation formula to school district and not into the ECSE/ First Steps programs. Currently, the ECSE program has a \$12 million shortfall and DESE has requested a supplemental. The Funds Management Section has requested districts to update them on what funds have been committed for the remainder of the year. This will give the Division a better estimate of how much of the \$12 million is needed. She felt that if the supplemental was not funded, DESE would then need to review and determine what, if any, changes needed to be made in the eligibility criteria or if there were programmatic changes that could be made to assist in cutting costs.

Melodie also indicated that recently a shared initiative was started between DESE (Division of Special Education, Vocational Rehabilitation, and Division of School Improvement) and the Department of Mental Health. A report from these discussions will be available soon which will give recommendations to schools on how they can better work with DMH to provide services to children with disabilities. As soon as the Shared Agenda Between Public Education and Mental Health report is final, the Division will send it to the Rules and Regulations committee. Melodie suggested that individuals from local districts that have received System of Care grants could be asked to serve on the focus groups.

Evaluation – Mike Hanrahan and Lynda Roberts have been working on the Panel's annual report for last year (2002-03). DESE will include the charts/graphs and will have it printed.

Monitoring – Kent Kolaga reported that the committee is reviewing the monitoring process and that Pam Williams will be sending them information on the focus areas they are currently looking at. The committee is also reviewing child complaint data. It has been difficult to compare data and pinpoint problems due to the fact that the process has changed. Joe Sartorius suggested that the committee use some of the same data being tracked in the annual report to determine progress. Melodie offered to send information to the monitoring committee regarding the critical monitoring elements identified by the state of Iowa.

Program – Scott Mantooth indicated that they have reviewed information from the State Improvement Grant and have recommended to DESE to use carryover funds for evaluation, PBS, and problem solving.

Public Comment – Trish Grassa indicated that they began discussions on how the Panel could obtain public comments. One preliminary suggestion was that panel members could possibly assist by facilitating public forums in their areas (no funds available for this). This could allow parents an opportunity to voice their comments and concerns and could provide the Panel and DESE with some helpful information. Need to discuss what to do with the information that is received. DESE has contact information for the PACs and this may be a good place to start. Trish indicated that this is a big job and will take further discussion by their committee.

Public Comments - Pam Walls indicated that as a panel member she has been bringing her concerns and voicing them at Panel meetings but has decided that, instead, she will begin send them to DESE prior to meetings to give DESE an opportunity to review and respond. The Panel meetings are full of important topics so it is important for Panel members to contact DESE outside the meetings with any concerns or comments.

DESE Update - Dale Carlson discussed with the Panel information on the budget. There are a couple of programs that have significant funding issues. The subcommittee for the house appropriations committee met (performance based budget) to try to link dollars to performance but were unclear as to what performance meant. DESE has provided the appropriations committee with requested information similar to that provided earlier on the Form 5's. Dale handed out information regarding the current budget.

ECSE is one of the programs with funding issues. The program has increased approximately 15% per year. DESE is asking for a supplemental request of almost \$15 million for FY 04.

Dale discussed with the group the 2005 appropriations request for the Core Programs (EPA, First Steps, ECSE, Sheltered Workshops, State Operated Programs, Public Placement/Excess, Federal Grants, and Extraordinary Cost/Severe Disabilities Fund).

The First Steps program will be out of money by the end of January. DESE has requested a \$7.8 million supplemental request. It may be late March or sometime in April or May before DESE knows if the supplemental has been approved. There will be issues with whether or not providers continue to provide services, possible compensatory services needed, etc. This program is in place by Executive Order and is not state mandated.

Future Meeting Dates

February 5-6, 2004	Truman Building, Room 850
April 15-16, 2004	Truman Building, Room 850
June 10-11, 2004	Truman Building, Room 500 (1 st day)/Room 850 (2 nd day)
August 12-13, 2004	Truman Building, Room 850
October 7-8, 2004	Truman Building, Room 500

Pat Jackson made a motion to accept these dates. Trish Grassa seconded the motion. Motion passed.

Pam Walls made a motion to adjourn the meeting. Pat Jackson seconded the motion. Meeting was adjourned at 11:35 a.m.